

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, *et al.*,

Plaintiffs,

v.

KIRSTJEN M. NIELSEN, *et al.*,

Defendants.

Case No. 1:18-cv-00068

**FEDERAL DEFENDANTS' OPPOSED MOTION FOR EXTENSION OF
TIME TO REPLEAD ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

Pursuant to Local Rule LR 7.8, Federal Defendants hereby move to extend the deadline to replead its answer to Plaintiffs' Amended Complaint (ECF. No. 104). On January 9, 2019, the Court ordered Federal Defendants to replead its answer by February 15, 2019. (ECF No. 348).

At the end of the day on December 21, 2018, however, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. Absent an appropriation, Department of Justice attorneys are prohibited from working, even on a voluntary basis, except in very limited circumstances, including "emergencies involving the safety of human life or the protection of property." 31 U.S.C. § 1342. Funding for the U.S. Department of Justice was appropriated on January 25, 2019, and the official return for Defendants' counsel was January 28, 2019.

Consequently, Federal Defendants request that the Court extend the time for Federal Defendants' to replead its answer to Plaintiffs' Amended Complaint by 19 days – the amount of

time Federal Defendants were unable to work on this matter – resulting in a new deadline of March 6, 2019.

A Proposed Order is attached hereto.

Dated: January 29, 2019

JOSEPH H. HUNT
Assistant Attorney General
Civil Division

BRETT A. SHUMATE
Deputy Assistant Attorney General

WILLIAM C. PEACHEY
Director, Office of Immigration Litigation
District Court Section

Respectfully submitted,

/s/ Jeffrey S. Robins

JEFFREY S. ROBINS

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Attorneys for Defendants

CERTIFICATE OF CONFERENCE

Pursuant to Local Civil Rule 7.1(b), the undersigned counsel certifies that the Federal Defendants' counsel conferred with opposing counsel on January 29, 2019, regarding this motion.

Plaintiffs and New Jersey Defendant-Intervenor do not oppose an extension until March 6, 2019. Perez Defendant-Intervenors oppose Federal Defendants' motion.

/s/ Jeffrey S. Robins

JEFFREY S. ROBINS

Deputy Director

Lead Attorney

U.S. Department of Justice, Civil Division

Attorney for Federal Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 29, 2019, I electronically filed the foregoing with the Clerk of the Court by using the Court's CM/ECF system. I also certify that the foregoing document is being served this day on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Jeffrey S. Robins

JEFFREY S. ROBINS

Deputy Director

Lead Attorney

U.S. Department of Justice, Civil Division

Attorney for Federal Defendants

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**[PROPOSED] ORDER EXTENDING TIME TO
REPLEAD ANSWER TO PLAINTIFFS' AMENDED COMPLAINT**

WHEREFORE, upon the motion of counsel for Federal Defendants, and for good cause shown,

IT IS HEREBY ORDERED that the date for Federal Defendants to replead its answer to Plaintiffs' Amended Complaint is hereby extended 19 days, to March 6, 2019.

SO ORDERED.

Signed on January ___, 2019, at Brownsville, TX.

Honorable Andrew S. Hanen
United States District Judge